

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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BRIAN BEMKE, SCOTT COLLETT,  
JOHN FERIOZZI, JUDY FINTZ,  
SARAH JAMIESON, EVAN JOHNSON,  
TRACY LONG and CLIFFORD  
NEUMANN, on behalf of themselves and  
similarly-situated individuals,

Plaintiffs,

v.

OPINION AND ORDER

21-cv-560-wmc

AMY PECHACEK, in her official capacity  
As Secretary-designee of the State of Wisconsin  
Department of Workforce Development,

Defendant.

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On July 17, 2024, the court held that the Wisconsin statute providing a blanket denial of unemployment compensation benefits to any individual receiving social security disability insurance (“SSDI”) benefits, Wis. Stat. § 108.04(12)(f), violates the Americans with Disabilities Act and Rehabilitation Act because it has a disparate impact on disabled workers seeking unemployment insurance benefits. (Dkt. #93.) The court later certified two subclasses under Fed. R. Civ. P. 23 (dkt. #106), and directed the parties to file supplemental briefing on the question of remedies. The parties have responded, agreeing to immediate injunctive relief barring prospective enforcement of § 108.04(12)(f), but having some minor disagreements regarding remedies for previous denials of unemployment benefits under § 108.04(12)(f).

Oral argument on outstanding disputes is scheduled for August 20, 2025. In light of the seemingly minor disputes between the parties, however, the court will direct counsel

to confer and submit a joint, proposed order on injunctive relief on or before August 18, 2025. If they cannot agree, they must each submit a proposed order by that date. In the meantime, consistent with the court's ruling and the parties' agreement, the court will enter a preliminary injunction barring prospective enforcement of the statute. At defendant's request and for ease of administration, the court will order that the injunction become effective on a Sunday in light of unemployment insurance benefits being paid weekly, Sunday through Saturday. *See* Wis. Stat. § 108.02(27).

#### ORDER

IT IS ORDERED that

1. The parties must meet and confer regarding the appropriate remedy for class members for past injuries. By August 18, 2024, the parties should submit a joint, proposed order on injunctive relief before the scheduled oral argument. If they cannot agree, they must each submit a proposed order, identifying the aspects on which there are disagreements.
2. In accordance with *MillerCoors LLC v. Anheuser-Busch Companies, LLC*, 940 F.3d 922, 922–23 (7th Cir. 2019), the court's order on declaratory and injunctive relief will be set forth in a separate document.

Entered this 14th day of July, 2025.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge